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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,291	03/23/2004	Shinya Igarashi	056207.43640C5	1864

23911 7590 05/03/2006
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EXAMINER

ALLEN, ANDRE J

ART UNIT PAPER NUMBER

2855

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/806,291	Applicant(s) IGARASHI ET AL.	
	Examiner Andre J. Allen	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16-22 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 15, 23, 29 and 36-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-9-06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 16,18 and 24 are objected to because of the following informalities:

The claims are clear in that they are limited to a "said conductor exposed outside the housing" however there is no antecedent basis that is the claims from which they depend never recited a conductor exposed on the outside of the housing.. Appropriate correction is required.

Regarding claim 29 "said thermal-type air flow measuring instrument" has no antecedent basis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13,14,16-22,24-28 is rejected under 35 U.S.C. 102(b) as being anticipated by Hyttin et al (US 4337822).

Regarding claims 13,17,21 and 25 Hyttin et al teaches a detecting element 146 for detecting a physical quantity (col. 11 lines 40-45); a concave formed outside the housing (fig.1 a circuit 64 electrically connected to said detecting element; 146 a housing protecting (fig. 1) said circuit 64 in an inside thereof , a conductor 42 electrically connecting said circuit 64 and an outside of said housing 16, wherein said circuit 64 is adjusted 16 by an electrical signal from the outside of said housing through said conductor 42.

Regarding claims 14,20,22 and 28 Hyttin et al teaches a terminal 46a connected to said circuit 64 and to a power source 88 to supply power to said circuit 64 or to the ground to be grounded is provided, a connector 38d 38e opening to the outside of said housing is formed in said housing (fig. 1), said conductor 42 and said terminal 46a are exposed inside said connector 38d 38e.

Regarding claims 16,18,24 and 26 Hyltin et al teaches an adhesive or insulator coating the conductor inside the concave (fig.2).

Regarding claim 19,27 Hyltin et al teaches another material covering over said concave is provided (plastic fig. 1)

Allowable Subject Matter

3. Claims 15,23,29 and 36-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the cited prior art does not disclose nor suggest said connector has a bottom with a hole or holes at one side and an opening formed at an opposite side to said bottom and opening to the atmosphere, and at least a part of said conductor is disposed in said hole and exposed to the atmosphere, said thermal flow instrument being applied to a internal combustion engine and wherein after said circuit is adjusted, said adhesive or insulating material is coated..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen whose telephone number is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



André Allen
Patent Examiner
Art Unit 2855